

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

KALOMA CARDWELL,

*Plaintiff,*

v.

DAVIS POLK & WARDWELL LLP,  
THOMAS REID, JOHN BICK, WILLIAM  
CHUDD, SOPHIA HUDSON, HAROLD  
BIRNBAUM, DANIEL BRASS, BRIAN  
WOLFE, and JOHN BUTLER,

*Defendants.*

19 Civ. 10256 (GHW)

**DECLARATION OF SUSANNA BUERTEL IN SUPPORT OF DEFENDANTS'  
PARTIAL MOTION TO DISMISS THE AMENDED COMPLAINT**

Susanna Buertel declares pursuant to 28 U.S.C. § 1746:

1. I am an attorney at the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP, 1285 Avenue of the Americas, New York, New York 10019, counsel for defendants Davis Polk & Wardwell LLP (“Davis Polk”), John Bick, Harold Birnbaum, Daniel Brass, John Butler, William Chudd, Sophia Hudson, Thomas Reid, and Brian Wolfe. I submit this declaration in support of defendants’ partial motion to dismiss the amended complaint.

2. Attached to this declaration are true and correct copies of documents incorporated by reference in the amended complaint and referenced in defendants’ memorandum of law in support of their partial motion to dismiss the amended complaint:

Exhibit A: August 3, 2017 letter from Cara Greene (then counsel to Cardwell) to John Douglass of the Equal Employment Opportunity Commission (“EEOC”), stamped as received by the EEOC on August 4, 2017, and charge cover sheet.

Exhibit B: October 10, 2017 letter from David Powell of the New York State Division of Human Rights (“NYSDHR”) to Davis Polk and excerpts of enclosures thereto, consisting of (i) a “NOTICE OF CHARGE OF DISCRIMINATION WHERE AN FEP AGENCY WILL INITIALLY PROCESS,” (ii) a respondent contact information sheet, and (iii) excerpt of Cardwell’s NYSDHR verified complaint, bearing an NYSDHR caption.

Exhibit C: Excerpt of December 5, 2017 response of Davis Polk to Cardwell’s NYSDHR verified complaint, addressed to David Powell (NYSDHR), consisting of (i) a completed respondent contact information sheet, (ii) the first page of a response addressed to the NYSDHR, and (iii) Exhibit 11 (of 26) to response (redactions in version as submitted to NYSDHR).

Exhibit D: Cardwell’s supplemental charge signed on April 25, 2018. Supplemental charge particulars not included.

Exhibit E: Excerpt of July 13, 2018 response of Davis Polk to Cardwell’s supplemental charge, addressed to David Powell (NYSDHR). Exhibits to letter not included.

Exhibit F: November 19, 2019 FOIL Request to Siaka Paasewe (NYSDHR Records Access Officer) requesting materials on file with the NYSDHR regarding Cardwell's charge against Davis Polk, including without limitation "copies of . . . any briefs or replies filed by Mr. Cardwell, if any were ever filed." Exhibits to letter not included.

Exhibit G: July 19, 2016 email exchange between Sophia Hudson and Kaloma Cardwell discussing recommendations for restaurants, incorporated by reference at ¶ 124 of the amended complaint.

3. I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 30, 2020  
New York, New York

By: /s/ Susanna Buerger  
Susanna Buerger

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